

## **EXHIBIT J**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTIN HOVENKOTTER,

Plaintiff,

vs.

SAFECO INSURANCE COMPANY OF  
ILLINOIS,

Defendant.

CASE NO. 2:09-cv-00218-JLR

**AFFIDAVIT OF TOBY S. ROLLINS  
IN SUPPORT OF DEFENDANT'S  
RESPONSE TO PLAINTIFF'S  
MOTION FOR CLASS  
CERTIFICATION**

I, Toby S. Rollins, state as follows:

1. My name is Toby Rollins. I am over twenty-one years of age and competent to be a witness herein. I work for the family of property and casualty insurance companies that are subsidiaries of Safeco Corporation. Safeco Corporation is a subsidiary of Liberty Mutual Insurance Group. For administrative convenience, the affiliated property and casualty companies are referred to as the Safeco Insurance Companies. Currently, I am the Vice-President and Manager of Auto Field West for the Safeco Insurance Companies. As the result of my duties and responsibilities with the Safeco Insurance Companies, I have personal and first-hand knowledge of the facts set forth in this Affidavit. All statements in this Affidavit are true and correct to the best of my knowledge and belief and, unless stated otherwise herein, are based upon my personal knowledge and my knowledge of the relevant business records and the information contained therein.

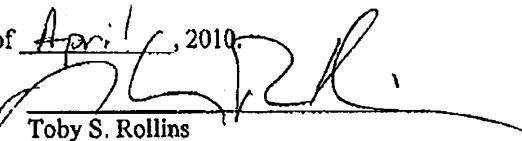
2. In this litigation, some e-mail correspondence was produced from my files documenting exchanges between myself and Brad Foland. I was Mr. Foland's supervisor for the time period from approximately February, 2004 to February, 2005. As discussed with Mr. Foland on numerous occasions, I did not agree with the way Mr. Foland was handling diminished value claims. With respect to Mr. Foland's statement regarding his negotiations with

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unrepresented parties seeking diminished value (see Bates No. SICI-ROLLT 153-55), as discussed with Mr. Foland specifically, this statement is not consistent with Safeco's corporate policy on diminished value claims and is not how diminished value claims are (or were previously) handled under my supervision or Scott Kohl's supervision. Mr. Foland was relieved of his duties as a diminished value handler in approximately February of 2005. Shortly thereafter, Mr. Foland left Safeco to pursue other opportunities.

3. Sometimes, based upon the individual facts and circumstances of a particular claim, it is helpful to obtain an independent appraisal in the course of evaluating a claim for diminished value damages. On the occasions when an independent appraisal is obtained, that appraisal is merely one piece of the puzzle or one factor for consideration in determining a fair settlement amount for the claim. Safeco does not view any diminished value appraiser's number as dispositive. This is because any valuation for diminished value is subjective. There is no one right number; appraisal is an art, not a science. As such, Safeco settles claims for below appraisal, at appraisal, and above appraisal. Indeed, there are many claims where Safeco has settled for amounts above the independent appraiser's valuation.

Signed under the penalty of perjury this 21 day of April, 2010.

  
Toby S. Rollins

On April 21, 2010 before me, Chona Fe Young, Notary Public, personally appeared, Toby Rollins, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

My commission expires:



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